

FRANKLIN COUNTY AUDITOR

Joseph W. Testa



FRANKLIN COUNTY ENGINEER

Dean C. Ringle, P. E., P. S.

**AMENDMENT OF STANDARDS GOVERNING CONVEYANCES OF
REAL PROPERTY IN FRANKLIN COUNTY, OHIO**


Pursuant to Section 319.203 of the Ohio Revised Code, Joseph W. Testa, the Franklin County Auditor, and Dean C. Ringle, the Franklin County Engineer, hereby agree to the following standards governing the conveyances of real property in Franklin County, Ohio, and hereby amend and adopt the same as the official standards governing all conveyances of real property in said County.

The official standards so agreed to, adopted, and amended are attached hereto and made a part hereof. This Agreement is adopted in duplicate and each of the parties hereto shall keep and maintain in his office an original copy of the Agreement.

In accordance with Section 319.203 of the Ohio Revised Code, public hearings were held on the adoption of such standards on July 12, 2005 and July 26, 2005, and public testimony and written comments were solicited and received at such public hearing.

The official standards agreed to, adopted and amended, and attached hereto, shall be effective for all conveyances presented to the Franklin County Auditor and Franklin County Engineer on and after March 1, 2006 and shall supersede the prior standards effective July 14, 1997.

AGREED TO:


Joseph W. Testa
Franklin County Auditor


Dean C. Ringle
Franklin County Engineer

Seal of Office

Seal of Office

**TRANSFER AND CONVEYANCE STANDARDS
OF THE FRANKLIN COUNTY AUDITOR
AND THE FRANKLIN COUNTY ENGINEER
AS ADOPTED UNDER OHIO REVISED CODE SECTION 319.203**

**EFFECTIVE JULY 1, 1996
AMENDED JULY 14, 1997
AMENDED MARCH 1, 2006**

Section 1. Application of Transfer and Conveyance Rules.

The Auditor and Engineer may reject any conveyance that is not in compliance with the Ohio Revised Code or Administrative Code. These rules apply to any transfer and conveyance of an interest in real property made by conveyance, partition, devise, descent, court order, certificate of transfer, affidavit, or any other document that would cause any of the following:

- (A) Change In The Name Of Owner(s) Of Land.
Any document that creates, transfers, or terminates any interest in land or minerals that would cause the County Auditor to change the name of the owner or any one of the owners must be presented to the County Auditor under O.R.C. 319.20:
- (B) Change In Description.
Any document that changes, corrects, or amends the description of any parcel of land must be presented to the County Auditor under O.R.C. 5713.02:
- (C) Transfer Of Interest That May Affect True Value.
Any document that creates, transfers, or terminates any interest in land that may affect the true value of a parcel for real property tax purposes must be presented to the County Auditor under O.R.C. 5713.03.

Section 2. Special Transfers.

The following transfers are subject to special requirements:

- (A) Transfer By Affidavit Of Next Of Kin.
A transfer under the law of descent and distribution shall be made pursuant to affidavit under O.R.C. 317.22. Furthermore, because of the difficulties the County Auditor has had with this type of transfer, a copy of the death certificate or other official acknowledgement of death must be attached to the affidavit.

(B) Transfer Of Survivorship Interest.

A transfer of a survivorship interest shall be made pursuant to O.R.C. 5302.17, only upon certificate of transfer or upon affidavit and certified copy of a death certificate of the deceased joint tenant.

(C) Transfer on Death Deeds (T.O.D)

A transfer created by a Transfer on Death Deed shall be made pursuant to ORC 5302.22 and 5302.23. Most deeds will not create a transfer or require a transfer fee; however, an exemption form is required.

(D) Transfer By Affidavit Under O.R.C. 5301.252.

A transfer of the name of the owner or any one of the owners may be made by affidavit pursuant to O.R.C. 5301.252 (B)(1); the correction of a legal description may be made by affidavit pursuant to O.R.C. 5301.252(B)(4) and (B)(5); however, except in the case of the termination of a life estate or survivorship estate, no transfer shall be made by affidavit pursuant to O.R.C. 5301.252(B)(2) and (B)(3). Affidavits changing any dimensioning of tax parcels, street names, subdivision or condominium names shall be submitted to and approved by the County Engineer.

(E) Corrective Deeds

All deeds conveying an interest in real property shall conform to the requirements of ORC Section 5301. Et seq. Any deed submitted for transfer the purpose of which is to correct a prior deed of record shall where reasonably appropriate, at the sole discretion of the Auditor, be accompanied by an affidavit setting forth the facts which support the correction of the previously recorded deed.

Section 3. Specific Requirements For All Documents Of Transfer.

All documents transferring an interest in real property that are subject to O.R.C. 319.20, including all court orders and certificates of transfer, shall contain all of the following:

(A) Reference To Prior Instrument Of Record.

A reference to the volume and page of the record of the last preceding recorded instrument or instruments by or through which the grantor claims title, as required by O.R.C. 319.20.

(B) Tax Mailing Address Of Grantee.

A statement of the complete tax mailing address of the grantee or any one of the grantees, as required by O.R.C. 319.20;

(C) Identification of Interest Conveyed.

- (1) The grantor shall inform the County Auditor in writing whether the grantor is conveying less than the grantor's current interest in the land.
- (2) The Auditor may request written documentation outlining the designation of each owner's interest on multiple owner parcels.

(D) Instruments To Conform To Law.

All deeds and other instruments transferring an interest in Real Property shall conform to the laws of Ohio or to the law of the place where the instruments were executed.

(E) Document Of Transfer Shall Include Parcel Number and Address.

The document of transfer shall include the County Auditor's parcel number(s) of the land and the current site address of the property, if any.

(F) Conveyance Forms

No instruments will be transferred unless accompanied by a properly completed DTE 100 or DTE 100EX conveyance form. Only original Franklin County conveyance forms will be accepted.

- (G) Multi-Parcel transfers on a single instrument of transfer will only be accepted if the grantee(s) are identical and grantor(s) are identical for all described properties.

Section 4. Document Standards

The County Auditor will approve no transfer unless the documents presented to the County Auditor meet all of the following requirements:

A) Original Required.

The document of transfer must have the original signature of the grantor or affiant. In most cases, a copy of a court order will be accepted, but the copy must bear the signature of a judge and show on its face that it has been filed with clerk of court or be a certified copy from the clerk of courts.

(B) Poor Original Not Accepted.

No document of transfer will be accepted which has attached to it a previously recorded document that is identified as a "Poor Original."

(C) Illegible Writing.

No document of transfer will be accepted in which the document or attachment to it is illegible as determined by the County Auditor or County Engineer.

Section 5. Sufficiency Of Descriptions.

(A) Identification

All descriptions of record shall be sufficient to allow the County Auditor and County Engineer to identify the land that is being transferred. Clerical errors that do not affect the County Auditor's or County Engineer's ability to identify the property will be disregarded, but clerical errors that cannot be resolved may cause the County Auditor to disapprove the transfer.

(B) New Tax Parcel Descriptions.

One of the following descriptions shall be used when filing documents that create an ownership interest in a tax parcel:

(1) Platted Lot.

A platted lot shall be described by its lot number or other designation and the name of the subdivision as platted, as required by O.R.C. 711.01.

(2) Condominium Unit.

A condominium unit shall be described by its unit number or other designation and the name of the condominium project as set forth in the declaration and the number of the volume and initial pages of the declaration and the recording reference of the drawings as required by O.R.C. 5311.10.

(3) Metes and Bounds Description.


Each tract of land that is not a platted lot or condominium unit shall be described by a metes and bounds description in accordance with these rules and must be approved by the County Engineer, prior to transfer by the County Auditor.

(C) No More Than Three Exceptions In Description.

(1) No transfer will be approved where the description of the land sets forth more than three (3) exceptions to any metes and bounds description. An exception describes land that is included in the general description, but that is not being transferred and is excepted out and identified by a separate description of its own. The following transfers shall not be subject to this conveyance standard:

1. Transfers ordered by the Probate Court or by Certificate of Transfer.

2. Transfers from individual(s) to one or more of the same individuals or one or more of the same individuals and others, in connection with the creation or dissolution of a co-tenancy or the filing of a Transfer on Death deed.
 3. Transfers in completion of a previously recorded land contract using the same legal description.
 4. Transfers terminating a life estate using the same legal description.
 5. Any other transfer which in the opinion of the Auditor or Engineer would be in furtherance of a valid court order, from a court of competent jurisdiction, transferring the real property, including without limitation a decree of foreclosure.
 6. Transfers pursuant to a previously recorded Transfer on Death deed using the same legal description.
- (3) The above-described transfers (if conditionally approved as per this section) will be stamped by the County Engineer whose stamp shall read "*Conditional Approval*" new survey required for next conveyance" as shown below:

| | |
|---|--|
| *CONDITIONAL APPROVAL* | |
| DEAN C. RINGLE, P.E., P.S. | |
|  | BY: _____ |
| | DATE: _____ |
| | NEW SURVEY REQUIRED FOR NEXT CONVEYANCE |

Section 6. Boundary Survey.

- (A) A boundary survey is required when the deed contains a legal description for land which is a cut-up or split out of the grantor's one or more existing parcels of land as shown in the County Auditor's records, or if the legal description of the land conveyed in the deed is different from the legal description shown in the prior deed to the grantor. An original copy of the survey plat and metes and bounds description must be signed, dated and stamped with blue ink by a registered Professional Surveyor. The boundary survey must be submitted to the County Engineer for review for a minimum of one working day prior to the desired transfer of the instrument(s). Faxed and poor copies will not be accepted for final approval, but will be permitted for preliminary review process. All new boundary surveys must state the total acreage calculated accurately to the nearest thousandth of an acre and state on the plat and within the description a breakdown of the total acreage within each tax parcel whenever a survey encompasses two or more existing tax parcels.
- (B) Must Meet Minimum Standards.
All boundary surveys required under 6 (A) must be made in accordance with the "Minimum Standards for Boundary Surveys in the State of Ohio as defined by Chapter 4733-37 of the Ohio Administrative Code, along with the current requirements of the County Engineer. (See Section 10).

Section 7. Subdivision Plats, Condominiums and Road Right-of-Way Dedication Plats

- (A) Subdivision Plats
1. All new subdivision plats and road dedication plats must be submitted with a title/signature page separate from the page(s) depicting the actual subdivision lots or road right-of-way dedications.
 2. Vacating Subdivision Plats
All subdivision plats to be vacated shall be vacated in accordance with chapters 711 and 5553 of the Ohio Revised Code. Streets, roads and alleys cannot be vacated and dedicated on the same plat if in the opinion of the County Auditor and/or County Engineer the plat does not clearly show or delineate the intent of what is being vacated and dedicated.
 3. All reserves and lots must be identified within the plat and situate in a subdivision plat.

(B) Condominiums

1. Condominium amendments must include a set of drawings for the proposed addition to the condominium. These drawings shall be part of the amendment in order to be reviewed by the Auditor's office. Reference to drawings previously recorded in a prior declaration, are not acceptable. Drawing must include the survey drawings and graphically show the boundaries, location, designating length, width and height of each unit. The drawings must identify each unit by unit designation, a building number if applicable, and identify where it is located.

The set of drawings submitted with a Condominium Declaration or an Amendment to the Declaration which adds units to the Condominium must contain both:

the certified statement of a registered architect or registered professional engineer that the drawings accurately show each building as built or constructed; and

the certified statement of a registered professional surveyor that the drawings accurately reflect the location of improvements and recorded easements.

2. Newly added units within all condominium amendment documents shall be designated as such; UNITS ADDED HEREBY:

(C) General Standards

1. Metes and Bounds Description
Each tract of land that is to be created into a newly platted subdivision or condominium development shall be described by a new metes and bounds description for all affected tax parcels in accordance with the requirements defined in the OAC section 4733-37, and shall be placed of record prior to the transfer of said condominium or subdivision plat.

2. Plats that have been approved and stamped by the Auditor must be recorded in Recorder's office. The Auditor will not process any plat that has not been recorded the same business day as the Auditor's stamp states.
3. School district boundary lines must be shown on the survey if the plat or condominium is located in more than one taxing district.

Section 8. Breaks In The Chain Of Title.

Because the County Auditor needs to determine the ownership of each tract, lot, or parcel of real property and because the County Auditor maintains ownership history of each tax parcel:

- (A) Grantor Is Not Prior Grantee.
No transfer will be approved where a grantor is not a prior grantee, unless the document itself or an affidavit that satisfies the requirements of O.R.C. 5301.252 is provided to the County Auditor that explains to the County Auditor's satisfaction why there is a break in the chain of title. The County Auditor may also require additional evidence when necessary to establish the correct ownership of the property.
- (B) Minor Differences In Names.
Differences in the name of the grantor and a prior grantee based upon the inclusion or omission of middle names or initials, or different versions of first names (eg. Charles, Charley), or due to change in name, and similar differences of a minor nature, must be explained in the document itself or an affidavit, as required by O.R.C. 5301.252(B)(1).
- (C) Any transfer, for the purpose of a lot-split in which the ownership of the real property is to remain in the name of the original grantor, must first be conveyed to a separate grantee and re-conveyed to the original grantor to establish a valid chain of title for the premises. Conveyances from owner/original grantor to the owner/grantee for lot-split purposes will not be accepted by the Auditor for transfer.

Section 9. Planning Commission Approval Of Parcel Split.

- (A) Subdivision Of Existing Parcel.
Any transfer or conveyance that causes a tax parcel to be split into a new parcel may be required to be approved by the appropriate planning commission. If approval is necessary it must be approved prior to it being accepted by the County Auditor. The list of commission requirements are available at the Auditor's or Engineer's office.
- (B) Auditor Will Not Determine Exemptions.
The County Auditor will not determine whether any split of five acres or less is exempt from planning commission approval, and will accept only a communication from the appropriate planning commission that the split is exempt.
- (C) No Transfer By Plat.
The County Auditor will not transfer (change the name of any owner of) any real property pursuant to a plat, except by dedication of property to a public purpose upon acceptance by a political subdivision that is set forth on the plat or in a separate document.

Section 10. Land That Is Split By Taxing District Boundaries.

- (A) Where a tract of land that is described by a single metes and bounds description is located in more than one county, the Franklin County Auditor shall consult with the County Auditor(s) of the other county to determine the treatment of the land for real property tax purposes.
- (B) The County Auditor will not create a single tax parcel that is located in different taxing districts. Any land with a single metes and bounds description that is split by taxing district lines shall be made into separate tax parcels by the County Auditor. Any platted lot that is located in different tax districts shall be placed in the district in which the front of the parcel is located, determined by street address, or in which the greater part of the parcel is located if a taxing district line crosses through the front of the lot.
- (C) Current tax parcels that will be split by new annexation boundaries shall require a new metes and bounds survey (Sec. 6.A), (Sec. 11.) of the residual and balance tracts of the split creation. The new split shall be subject to the appropriate planning commission approval. (Sec.9). The title of the associated survey description and plat shall include the language "Annexation split".
- (D) Any annexation that results in a split annexation shall require the split be filed prior to the filing of the annexation.

Section 11 Requirements for Administrative Combinations


All of the following requirements are necessary for parcels to be combined:

1. Parcels must show identical ownership.
2. Parcels must be contiguous.
3. Parcel must be in the same taxing district.
4. Parcels within a condominium cannot be combined.

Section 12. Requirements Of Conveyance By The County Engineer.

- (A) All new metes and bounds descriptions, and all plats of survey must incorporate the principals and minimum standards of good surveying, engineering and draftsmanship, and must meet the "Minimum Standards for Boundary Surveys in the State of Ohio", as defined by Section 4733-37 of the Ohio Administrative Code.
- (B) Requirements For All Recorded Lot(s) Of Record.
- (1) All instruments conveying a recorded lot or other designation in a municipality or recorded subdivided area must designate the lot number or other designation, the official recorded name, the Plat Book and Page or Official Record reference, and the prior recorded deed reference if any exists.
 - (2) Any parcel, out lot or portion of a recorded lot or other designation must have an accurate description to enable the County Engineer and County Auditor to determine the residue or balance left, based on existing available records.
 - (3) Any area being conveyed in what is commonly known as an "Unrecorded Plat" must have an accurate metes and bounds description.
- (C) Requirements For Existing Metes And Bounds Descriptions Of Record.
- (1) All existing metes and bounds descriptions of record will be checked by the County Engineer to verify and identify to the County Auditor the tax parcel(s) to be conveyed.
 - (2) All existing metes and bounds descriptions of record must be described verbatim as witnessed by the instrument of previous record and transfer.

- (3) Any existing metes and bounds description which, since the previous conveyance, has been incorporated into a municipality or other political subdivision by means of annexation must be changed to reflect its new corporate location within the situate of the subject instrument of conveyance.
- (4) All instruments of conveyance attempting to convey the remainder or balance of an existing tax parcel(s) from which out lots or exceptions exist must incorporate the following requirements:
- (a) Each out lot or exception of the original tract(s) must be described verbatim as witnessed by the previous conveyance of record.
 - (b) Each documented exception must refer to its recorded source if any, by which it can be verified.
 - (c) All instruments of conveyance using exceptions to convey the balance or remainder of a tax parcel(s) must incorporate a statement identifying the tax parcel(s) and district to be conveyed, and the current taxable area as set forth on the County Auditor's tax list for the subject conveyance. (I.e., it is the intent of this instrument to convey all of Tax Parcel(s) number and district, containing acreage or footage, as shown by the County Auditor's records).
- (5) The County Engineer will make the necessary marginal notations on the instrument of conveyance to verify the tax parcel(s) to be conveyed and will stamp the instrument with a stamp that shall read "Description Verified" as shown below:

| | |
|-----------------------------|---|
| DESCRIPTION VERIFIED | |
| DEAN C. RINGLE, P.E., P.S. | |
| BY: _____ |  |
| DATE: _____ | |


- (6) Legal descriptions may be submitted for pre-approval prior to the creation of the final instrument of transfer.

(D) Requirements For New Metes And Bounds Descriptions For Conveyance.

- (1) All new metes and bounds descriptions, not previously recorded, must be prepared, signed, dated and stamped with blue ink by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code, Chapter 4733-37.
- (2) In addition, the following items shall be required:
 - (a) The situate must denote the state, county and municipality or township, range, section, half section, or Virginia Military District Number, etc.
 - (b) The situate must denote recorded title and deed reference as to the tract(s) of origination.
 - (c) All descriptions must be referenced to an established point of beginning such as centerline intersections of streets or roads or record, established property corners of record, section and or quarter section corners or lines, or Virginia Military District corners or lines, etc.
 - d) Each course of a new metes and bounds description should be a separate paragraph, and all courses must be stated in a clockwise direction from the point of beginning to the point of termination for the subject description.
 - (e) Each course of a new metes and bounds description must contain a bearing expressed in degrees, minutes and seconds and a distance recited in feet and the decimal parts thereof, from point of origination to a point of termination of each course and reference the appropriate monumentation. The surveyor shall set boundary monuments so that, upon completion of the survey, each corner of the property and each referenced control station will be physically monumented. When it is impracticable or impossible to set boundary monuments, the surveyor shall set Reference monuments as stated in O.A.C. 4733-37.

- (f) Each course must contain the names of current adjoining owners together with the recorded Deed Book and Page or Official Record for each. When a course being described adjoins a recorded platted subdivision a call for the Plat Book and page will suffice.
- (g) Each course must show all other common lines such as centerline of roads, rivers, streams, quarter or half section lines, Virginia Military District lines, or any other pertinent common line of record or interest as witnessed by the survey for the conveyance.
- (h) Any course of a new metes and bounds description which is a curve must contain the direction (right or left), radius (expressed in feet and decimal parts thereof), the central angle (expressed in degrees, minutes and seconds), curve length (expressed in feet and decimal parts thereof), chord bearing (expressed in degrees, minutes and seconds) and chord length (expressed in feet and decimal parts thereof) of the curve.
- (i) All references to roads, rivers, streams, railroads, etc., must use current or existing names of record. Old or original names should also be mentioned.
- (j) All new metes and bounds descriptions must give the area contained within its perimeter in acres and calculated to the third decimal place, as required by the County Auditor. Total calculated square footage may also be mentioned, if so desired.
- (k) Whenever a new metes and bounds description encompasses two or more taxing districts, or two or more tax parcels, a breakdown of the total area must be recited for each tax district or parcel.

- (l) All new metes and bounds descriptions will be subject to computer verification as to the accuracy of the traverse closure (1/10,000 minimum allowable traverse closure) of the area as described. The boundary survey documents must be submitted to the County Engineer for review of a minimum of one working day prior to the desired transfer and recording date of the instruments (faxed and poor copies will not be accepted for final approval, but will be permitted for the preliminary review process).
- (m) All instruments including new metes and bounds descriptions, which meet all of the aforementioned requirements will be stamped "Description Verified" (as shown below) and the proper notations will be made on the instrument of conveyance, verifying a correct tax structure to the County Auditor.

| | |
|-----------------------------|--|
| DESCRIPTION VERIFIED | |
| DEAN C. RINGLE, P.E., P.S. | |
| BY: _____ |  |
| DATE: _____ | |

- (n) Whenever the descriptive content of any legal instrument of conveyance is determined to be ambiguous, it will require a survey of the parcel(s) being described be made and a new description and plat be submitted to the County Engineer for approval prior to the transfer of said parcel(s).

(E) Requirements For Plats Of Surveys.

- (1) All plats must be in compliance with the Ohio. Administrative Code Chapter 4733-37
- (2) A survey plat must be prepared for every new metes and bounds description and must be signed, dated and stamped with blue ink by a registered Professional Surveyor. The survey plat shall be prepared and submitted in black in or blue line diazo. A copy of the plat is to be filed with the County Engineer.

- (3) All existing title, and source of title of adjoining owners along each boundary line of the subject survey must be properly indicated.

(F) Requirements for Ties to County Monuments.

- (1) All surveys performed in Franklin County for the establishment of new subdivision plats, new survey plats and new metes and bounds descriptions for the fee transfer of land, not including subdivision lots of record, shall be required to tie into a minimum of two (2) County survey control monuments provided the survey is located within 1/2 mile of a County survey monument, and a second monument is located within 1/2 mile of the first monument or within 1/2 mile of the survey being performed. If only one monument is located within these limits, a tie to that monument will suffice. A County survey control monument is defined as a survey monument accepted and shown of record by the County Engineer.
- (2) The tie to County monuments is required only when the survey is located upon the roadway which has monumentation or if the survey is located upon a Section line, 1/2 section line, Township line or VMS line where there is monumentation.
- (3) Should there be an angle point accepted by the County Engineer, between the survey being performed and a County monument, a tie to that angle point shall suffice.
- (4) Proper identification of County monuments must be denoted on the survey plat or subdivision plat, as well as the deed description. County monuments are usually identified by the letters FCGS followed by a four-digit number, i.e. FCGS 8870. These County monument identifiers are available at the County Engineer's Office.

(G) Basis of Bearings Statements.

- (1) The Basis of Bearing statement on all plats and deed descriptions to be made of record within the Franklin County offices must be stated with reference to a deed of record, an official record, a plat of record or a road improvement plan of record along with the bearing used. The State Plane Coordinate System, Ohio South Zone, NAD27 or NAD83, may also be used as a Basis of Bearing only if the control monuments used along with the bearing between them are denoted in the statement. Assumed bearings may be used provided there are no bearings shown of record. Examples of acceptable Basis of Bearing statements are available at the Office of the County Engineer.

(H) Metric Measurements

- (1) Each course of a new metes and bounds description prepared using the metric system shall include the following:
 - (a) Distances shall be recited in meters and decimal parts thereof, along with the equivalent distance in feet and decimal parts thereof.
 - (b) Bearings shall be expressed in degrees, minutes and seconds.
 - (c) Curves must contain the direction (right or left), radius (expressed in meters and decimal parts thereof), the central angle (expressed in degrees, minutes and seconds), curve length (expressed in meters and decimal parts thereof) chord bearing (expressed in degrees, minutes and seconds) and chord length (expressed in meters and decimal parts thereof) of the curve.
- (2) Area shall be expressed in hectares along with the equivalent area expressed in acres calculated to the third decimal place as required by the County Auditor.
- (3) The U.S. Survey foot definition shall be used when converting between meters and feet. The conversion ratio of 39.37/12 is the U.S. Survey foot multiplier used to convert from meters to feet.